

Remarks

Claims 1-10 were pending in the application prior to entry of the amendment above. Claim 1 is currently amended herein. Reconsideration in light of the amendments above and below remarks is requested.

Independent claim 1 has been amended. No new matter has been added and support for the amendment can be found at paragraph 25.

The Examiner has rejected claim 1 as obvious in light of Hashiguchi (US 4,779,613). Reconsideration is requested.

Hashigushi relates to an endoscope within an endoscope body having an elongate insertion part having an observing window at the tip and an operating part provided as connected to the rear end of this insertion part with an observing optical system transmitting an observed image from the tip of the insertion part to the operating part and is provided with a first airtightening device for making the endoscope body airtight in the structure and a second airtightening device for making at least a part of the observing optical system airtight in the structure or is provided within the endoscope body with a hygroscopic member formed of a flexible sheet-shaped hygroscopic material.

The present invention relates to an optical instrument configured such that the hygroscopic substance can be integrated easily and safely into the housing. The hygroscopic substance is imbedded in a moldable matrix material and the matrix material is caulked with the hygroscopic substance such that it can be replaceably inserted in the eyepiece of the optical instrument.

Independent claim 1 requires, among other limitations, a configuration wherein the hygroscopic substance is imbedded in a moldable matrix material and the matrix material caulked with the hygroscopic substance is inserted replaceably in the eyepiece. Nowhere does Hashigushi disclose a hygroscopic material imbedded in a moldable ma-


trix material where the matrix material is caulked with the hygroscopic substance and is inserted replaceably in the eyepiece. Conversely, Hashigushi discloses a configuration where the hygroscopic material is a flexible strip material, *i.e.* cellophane 192 formed of cellulose hydrate. Thus, the hydroscopic material is not imbedded into anything. Furthermore, cellophane 192, is inserted between the lens holder and the housing wall, *i.e.* far behind the eyepiece. See for example FIG. 31. The sheet shaped material 192 is wound, for example, by about 20-30 rounds on the outer periphery of the connecting tube. See Col. 16, lines 22-30. Thus, the sheet material is not replaceably inserted into the eyepiece. Accordingly, Hashigushi fails to teach each and every element of independent claim 1, and independent claim 1 is not obvious.

Applicants respectfully submit that the configuration in Hashigushi has the disadvantage that the endoscopic strip material can be replaced only by completely disassembling the endoscope, which is typically only done at the manufacturing plant. Thus, the hygroscopic substance therein can only be replaced at considerable cost and time. The present invention solves the problem of sending the device to the manufacturer by including an eyepiece detachably secured to the housing, having the hygroscopic substance imbedded therein in a moldable matrix material and the matrix material caulked with the hygroscopic substance. The configuration facilitates replacement of the hygroscopic material. As Hashigushi fails to solve the problem of easily replacing the hydroscopic material, one of ordinary skill in the art would not be motivated to modify the sheets of material wrapped around the connecting tube of Hashigushi to include a hygroscopic substance imbedded in a moldable matrix material where the matrix material is caulked with the hygroscopic substance and inserted replaceably in the eyepiece. Thus, claim 1 is not obvious.

It is respectfully submitted that claims 1-10 are in order for allowance and early notification to that effect is requested.

Page 7
Serial No. 10/664,279
Response to Official Action

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Krenicky", is written over a horizontal line.

Wesley W. Whitmyer, Jr., Registration No. 33,558

Michael W. Krenicky, Registration No. 45,411

Attorneys for Applicants

ST.ONGE STEWARD JOHNSTON & REENS LLC

986 Bedford Street

Stamford, CT 06905-5619

203 324-6155